IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1192 OF 2006
IN
APPEAL FROM ORDER ST.NO.30130 OF 2006

Shri Dilip Damu Khade. ..Applicant.

V/s.

Nandkumar Ganpati Kamble & anr. ..Respondents.

Mr.Bobde for Mr.Umesh Mankapure for applicant.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 5, 2007.

P.C. :

1. Inspite of service, none appears for the respondents.

2. Although the office noting mentions delay of 151 days, it is obvious that the said noting is incorrect. The concerned clerk was called upon to explain the computation. It is now accepted that the total time taken from the date of the order for filing of the appeal is 148 days. After deducting 90 days period for filing the appeal, delay is only of 58 days. However, in the present case, time taken for obtaining certified copy is stated to be 12 days. For which reason, actual delay is only of 46 days.

3. For the explanation being sufficient cause and has remained uncontroverted, coupled with the fact that the delay is only of 46 days, application is allowed in terms of prayer clause (b), in the interest of justice.

4. The concerned officer shall take appropriate care in future while making noting of court record. The said officer be advised by the Registrar of this Court.